

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION

DIAMOND RESORTS U.S. COLLECTION)
DEVELOPMENT, LLC, et al.,)

Plaintiffs,)

vs.)

WESLEY FINANCIAL GROUP, LLC and)
CHARLES WILLIAM MCDOWELL, III,)

Defendants.)

3:20-CV-00251-DCLC-DCP

ORDER

This matter is before the Court to consider the Report and Recommendation of the United States Magistrate Judge [Doc. 62]. In the Report and Recommendation, the magistrate judge recommends that Plaintiffs' Motion to Strike Certain Affirmative Defenses [Doc. 40] be granted in part and denied in part. The parties did not file objections to the Report and Recommendation.¹ *See* Fed.R.Civ.P. 72(b).

After thorough consideration of the Report and Recommendation and the record as a whole, the Court finds that the Report and Recommendation properly analyzes the issues presented. For the reasons set out in the Report and Recommendation, which are incorporated by reference herein, it is hereby **ORDERED** that the Report and Recommendation [Doc. 62] is **ADOPTED**, and Plaintiffs' Motion to Strike [Doc. 40] is **GRANTED IN PART and DENIED IN PART**. Defendants' first and second affirmative defenses are hereby **STRIKEN** from their Answer [Doc. 35].

SO ORDERED:

s/ Clifton L. Corker
United States District Judge

¹ Failure to file objections within the 14-day period pursuant to Rule 72(b) results in waiver of the right to appeal the Court's order. *Thomas v. Arn*, 474 U.S. 140, 153-54 (1985).